



State of New Jersey

OFFICE OF THE ATTORNEY GENERAL

DEPARTMENT OF LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

STATE BOARD OF VETERINARY MEDICAL EXAMINERS
124 HALSEY STREET, 6TH FLOOR, NEWARK NJ

JAMES E. MCGREEVEY
Governor

PETER C. HARVEY
Attorney General
RENI ERDOS
Director

September 22, 2003

VIA CERTIFIED AND REGULAR MAIL

Mailing Address:

P.O. Box 45020
Newark, NJ 07101
(973) 504-6500

Warren Shivers (Unlicensed)
a/k/a Dr. John D. Masson
trading as StoneFox Grooming and Pet Supply and
National Animal Science Institute
1219 Route 9
Cape May Court House, New Jersey 08210

Re: I/M/O WARREN SHIVERS (Unlicensed)
Unlicensed Practice of Veterinary Medicine

Offer of Settlement In Lieu of Disciplinary Proceeding

Dear Mr. Shivers:

This letter is to advise you that the New Jersey State Board of Veterinary Medical Examiners (hereinafter referred to as the "Board") has had an opportunity to review information it received which alleges that you, via your business entities of StoneFox Grooming and Pet Supplies and National Animal Science Institute, are engaged in the unlicensed practice of veterinary medicine, contrary to the mandates of N.J.S.A. 45:16-9. The information specifically alleges that you routinely mislead and misrepresent yourself as a licensed veterinarian to your clients, as well as other entities in and around the State of New Jersey, by fraudulently utilizing the name of a veterinarian whose license has lapsed and by affixing certain initials after your name on letterhead and other correspondence in order to imply that you have earned a degree in veterinary medicine.

Upon its review of submitted information, the Board initiated its own investigation into the allegations. Following its review of the information garnered through its investigation, the Board has preliminarily found that probable cause exists to support a finding that you have engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, contrary to the mandates of N.J.S.A. 45:1-21(b), in that you have routinely misled and misrepresented yourself to your clients and the Diagnostic Laboratory, College of Veterinary Medicine, Cornell University in Ithaca, New York, as a licensed veterinarian.

Specifically, the Board's investigation into this matter has revealed that you have generated and continue to use and distribute business documents, under the auspices of either StoneFox Grooming and Pet Supply and National Animal Science Institute, which suggest that you are in charge of a legitimate veterinary clinic. In your grooming practice, you routinely draw blood, as well as obtain cultures, from animals and send the samples to the laboratory at Cornell University for testing. These samples are sent to Cornell by an entity entitled "National Animal Sciences Institute ("Institute")," located at 1219 Route 9 South, Cape May Court House, New Jersey, which is also the address of your business entity, "Stonefox Grooming and Pet Supplies." Moreover, correspondences from the Institute are signed by either "Warren L. Shivers, Director of Veterinary Services" or "Dr. John D. Masson, D.V.M." The Board's investigation into this matter discovered documents in which you refer to yourself as "Warren L. Shivers, MDVS," which purports to identify you as a "Medical Doctor of Veterinary Sciences."

A review of the Board's records disclosed that the license of John D. Masson, D.V.M., expired on June 30, 1999. The licensee sold his veterinary practice at that time and is presently living out of the country. Moreover, the Board's investigation disclosed that you are not a licensed veterinarian in the State of New Jersey.

Finally, the Board's probe into the allegations of misconduct on your part has disclosed that you are fraudulently and improperly representing a relationship with a legitimate veterinary practice without the knowledge or consent of the owners of the practice. You and your wife, Karen Brancheau, worked at Parkway Veterinary Hospital ("PVH"), in Cape May Court House, as veterinary technicians from 1990 to 1996 and 1987 to 1988, respectively.

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The Board has records that indicate that you and/or your wife are fraudulently using the name of PVH on work order sheets to Cornell and furnishing the university with a post office box address in order to receive the test results thereby avoiding any mail being delivered to the legitimate entity.

At this juncture, the Board has determined that the above violations are sufficient to warrant the initiation of formal enforcement proceedings against you, pursuant to N.J.S.A. 45:1-23 and N.J.S.A. 45:1-25, in the Superior Court of New Jersey. Notwithstanding that determination, however, the Board has determined that it will first offer you an opportunity to settle this matter, and thereby avoid the initiation of formal proceedings, should you voluntarily submit to the jurisdiction of the Board and consent to:

1. Sign an agreement to immediately cease and desist from the practice of veterinary medicine, including but not limited to the fraudulent use of the name of John D. Masson, D.V.M., and the initials of "MDVS," or the title "Medical Doctor of Veterinary Sciences," as well as the title of "Director of Veterinary Services;"
2. Sign an agreement to immediately cease and desist from the practice of veterinary medicine, including but not limited to the fraudulent use of the name of Parkway Veterinary Hospital in communications specifically with Cornell University or another other person, client or business entity;
2. Pay a penalty in the amount of \$1,155.00, by means of a certified check or money order made payable to the State Board of Veterinary Medical Examiners within thirty (30) days of the Board office's receipt of a fully executed copy of this Settlement Offer, for your violation of N.J.S.A. 45:1-23 and 1-25; and

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3. Pay costs in the amount of \$4,845.00, by means of a certified check or money order made payable to the State Board of Veterinary Medical Examiners within thirty (30) days of the Board office's receipt of a fully executed copy of this Settlement Offer.
4. In the alternative to paying the civil penalty and the costs in full no later than ten (10) days from the entry of this Consent Order, as required by paragraphs two and three respectively, payment of the penalty and costs in the aggregate amount of \$6,000.00, including 3.0% interest, shall be made by the respondent in twenty-four (24) equal installments of \$257.89 per month. Payment shall be made by certified check or money order made payable to the Board of Veterinary Medical Examiners and shall be sent to Leslie G. Aronson, Executive Director, Board of Veterinary Medical Examiners, 124 Halsey Street, Sixth Floor, Post Office Box 45022, Newark, New Jersey 07101. Respondent shall make the first installment to the Board on November 15, 2003, in the amount of \$257.89. Subsequent monthly payments shall be made on the 15th of each month thereafter until the full amount of the penalty and costs is paid in full.

If you are willing to settle this matter on the offered settlement terms, you may do so by signing the acknowledgment at the bottom of this letter, and returning it to the Board office for filing. In such event, this letter will become a matter of public record and constitute the Final Order of the Board in this matter.

This Settlement Offer will remain open to you for fifteen (15) days from the date of this letter. In the event that you are unwilling to settle this matter on the offered terms or that no response is received from you within that time period, it will be assumed that you have rejected the Board's settlement proposal and the settlement offer set forth herein will be withdrawn. The matter will then be referred to the Attorney General's office for the initiation of appropriate enforcement action including, but not

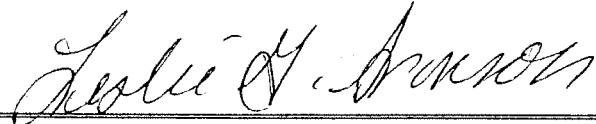
Warren Shivers

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limited to, an action in Superior Court. In such event, you will be afforded an opportunity to defend against the alleged violations. You are advised, however, that in the event formal charges are filed, the Board will: 1) seek civil penalties in an amount greater than that herein offered in settlement should any charges against you be sustained; and 2) request injunctive relief including, but not limited to, the impoundment of any equipment in your possession used in the practice of veterinary medicine. Additionally, the Board will, if the facts are found to so warrant, seek an Order from the Superior Court, requiring you to reimburse certain monies and/or requiring you to pay additional costs and/or legal fees incurred by the Board. Should you have any questions concerning this letter or the settlement offer herein, I suggest that you contact Deputy Attorney General Olga E. Bradford, who may be reached at (973) 648-3696.

NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS

By:



LESLIE G. ARONSON
Executive Director

CERTIFIED MAIL/C.R.R.R
7002 3150 0004 8987 9687

Warren Shivers

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ACKNOWLEDGMENT AND AGREEMENT TO CEASE AND DESIST

I, WARREN SHIVERS (UNLICENSED), a/k/a DR. JOHN D. MASSON, trading as STONEFOX GROOMING AND PET SUPPLY AND NATIONAL ANIMAL SCIENCE INSTITUTE, hereby acknowledge that I have read and reviewed the settlement proposal set forth in the above letter. I acknowledge and admit having engaged in the practice of veterinary medicine while unlicensed to do so on one or more occasions. I agree to cease and desist from practicing veterinary medicine, including but not limited to the fraudulent use of the name "John D. Masson, D.V.M.", in any written or oral form, and the initials of "MDVS," or the title "Medical Doctor of Veterinary Sciences," as well as the title of "Director of Veterinary Services." Additionally, I agree to cease and desist from the fraudulent use of the name of "Parkway Veterinary Hospital" in communications specifically with Cornell University or another other person, client or business entity. I also agree to pay a civil penalty in the amount of \$1,155.00 and costs in the amount of \$4,845.00 within thirty (30) days of the Board's receipt of a fully executed copy of this Settlement Offer or pursuant to the installment plan detailed in the Settlement letter. I am further aware that if I violate this agreement, the Board may initiate legal proceedings against me to obtain an injunction and to seek monetary penalties to be calculated as second offenses pursuant to N.J.S.A. 45:1-25 and any other applicable law. I am aware that, by signing this acknowledgment, I am waiving any rights I may have to defend myself against any charges of wrongdoing. I am also aware that the action taken against me by the Board herein is a matter of public record, and that this letter is a public document.



WARREN SHIVERS (UNLICENSED)
a/k/a DR. JOHN D. MASSON, trading as
STONEFOX GROOMING AND PET SUPPLY and
NATIONAL ANIMAL SCIENCE INSTITUTE

DATED:

cc: Deputy Attorney General Olga E. Bradford